

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IVAN ARMIJO,

Plaintiff,

v.

Civ. No. 20-355 GBW/SMV

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SCORRO, *et al.*,

Defendants.

**ORDER GRANTING DEFENDANTS EXCESS PAGES IN THEIR REPLY BRIEF
AND GRANTING PLAINTIFF LEAVE TO FILE SURREPLY**

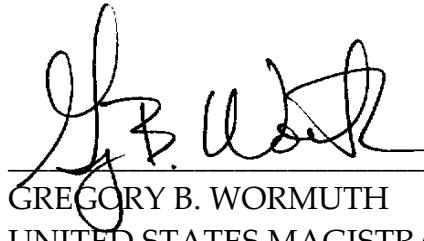
THIS MATTER comes before the Court on Defendants' Unopposed Motion to Exceed Page Limit in Their Reply to Their Motion for Summary Judgment Based on Qualified Immunity. *See doc. 104.* Having reviewed Defendants' Motion and its attendant briefing (*docs. 105, 108*) and being fully advised in the premises, the Court GRANTS Defendants' Motion and GRANTS Plaintiff leave to file a ten (10) page surreply to address factual arguments Defendants make in the exhibits to their reply and incorporate by reference into their briefing.

Defendants request an additional six pages of argumentation for a total page limit of eighteen (18) pages and represent that Plaintiff does not oppose their requested extension. *See doc. 104 at ¶¶ 2-4.* Defendants, though, do not mention that their reply brief incorporates by reference substantive argument about disputed facts in an

additional twenty-six (26) pages of “exhibits,” *see doc.* 103 at 3 (citing *docs.* 103-1, 103-2); *doc.* 103-1; *doc.* 103-2, or that Plaintiff opposes a reply of this nature, *see doc.* 105 at 1-2, 8-9. Plaintiff’s actual positions on the reply brief are as follows: (i) unconditional non-opposition to a reply totaling twenty (20) pages in argumentation; and (ii) non-opposition to the filed reply conditioned on Defendants not opposing any subsequent request by him for leave to file a surreply, *see id.* As Defendants have filed a reply containing more pages of argumentation than the twenty pages to which Plaintiff consented, the Court will grant Plaintiff leave to file a surreply of up to ten (10) pages in length about the factual matters argued by Defendants in *doc.* 103-1 and *doc.* 103-2. The surreply may not present new facts.

Accordingly, IT IS HEREBY ORDERED that Defendants’ Unopposed Motion to Exceed Page Limit in Their Reply to Their Motion for Summary Judgment Based on Qualified Immunity is GRANTED and Defendants have the Court’s leave to file their 18-page reply with twenty-six pages of “exhibits” containing substantive argumentation about factual matters. IT IS FURTHERED ORDERED that Plaintiff has leave to file a surreply of no more than ten (10) pages about the factual matters argued by Defendants in their exhibits. The deadline for Plaintiff’s surreply shall be **fourteen (14) days from the issuance of this Order.**

IT IS SO ORDERED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE
Presiding by consent